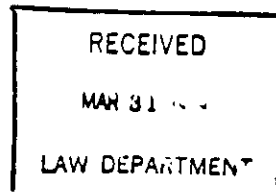


COVINGTON & BURLING



March 28, 1978

MEMORANDUM TO: Committee of Counsel

There is enclosed a revised draft, bearing today's date, of proposed comments on the proposal to regulate cigarette filters as medical devices. This draft reflects comments received from many of you. We would appreciate any additional suggestions, but request that we receive them no later than Thursday, April 6, and that any suggestions be specific, i.e., concrete recommendations as to any changes in language, or further additions or deletions.

One member of the Committee raised the question whether the comments should be submitted by the Tobacco Institute or rather in the names of the individual cigarette manufacturers. We lean toward filing on behalf of the Tobacco Institute, but welcome your views on this point.

Our latest information is that the first device group slated for Federal Register publication as proposals for formal classification will be those considered by the Neurological Panel, and that the next groups to follow will most likely be the recommendations from the Pathological, General Hospital, and Hematological Panels. The best information we have is that the Neurological Panel's recommendations will be published in about two months. If the present predictions of scheduling prove accurate, the publication of the Anesthesiology Panel's recommendations should not appear until this coming summer at the earliest.

Stanley L. Temko

Enclosure

cc: Janet C. Brown, Esq.
J. C. B. Ehringhaus, Jr., Esq.
Arnold Henson, Esq.
Alexander Holtzman, Esq.
Edwin J. Jacob, Esq.
Horace R. Kornegay, Esq.
H. E. Roemer, Esq.

LIG- 96702

LQ 2005351

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